

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

FAREED SEPEHRY-FARD,

CASE NO. 5:13-cv-04535 EJD

Plaintiff(s),

**ORDER DENYING PLAINTIFF'S EX
PARTE APPLICATION**

v.

GREENPOINT MORTGAGE FUNDING,
INC., et. al.,

[Docket Item No(s). 59]

Defendant(s).

Presently before the court is Plaintiff Fareed Sepehry-Fard's ("Plaintiff") ex parte application for leave to record a lis pendens. See Docket Item No. 59. Having carefully reviewed this application, the court has determined it must be denied for the following reasons:


1. As Plaintiff has been notified (see Docket Item No. 24), the court will not entertain further applications for ex parte relief unless it contains reference to "the statute, rule or order which permits the use of an ex parte motion to obtain the relief sought" as required by Civil Local Rule 7-10. Plaintiff's instant application contains no such reference.
2. Even if the court were to excuse Plaintiff's non-compliance with the governing Local Rule, it would not permit the recording of the proposed lis pendens. The document attached to the application does not include all of the information required by California Code of Civil Procedure § 405.20. Specifically, it does not contain "the

names of all parties to the action” in the text of the notice. Moreover, the proposed lis pendens includes statements that far exceed the purpose of such a notice. See La Paglia v. Super. Ct., 215 Cal. App. 3d 1322, 1326 (1989) (explaining that “a notice of lis pendens gives constructive notice that an action has been filed affecting title or right to possession of the real property” and is not a device to obtain “an unfair advantage in litigation”).

Accordingly, the ex parte application is DENIED.

IT IS SO ORDERED.

Dated: December 5, 2013


EDWARD J. DAVILA
United States District Judge